

**GOVERNMENT OF ANDHRA PRADESH**  
**ABSTRACT**

Tribal Welfare Department – Appeal Petition filed by Sri Bathu Ananda Rao, S/o. Suranna and 3 others, R/o Gondulu (V), Addateegala (M), East Godavari District, against the Proceedings Rc. No. B2/11227/93, dt.05.09.1994 of the Joint Collector, East Godavari District – U/s. 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (A.P. Act No. 16/1993) – Appeal Petition Allowed – Orders Issued.

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**SOCIAL WELFARE (CV2) DEPARTMENT**

**G.O.MS.NO. 13**

Dated: 29.01.2014.  
Read the following.

1. Proceedings of the Joint Collector, East Godavari District, No.B2/11227/ 93, dated 05.09.1994.
2. Appeal Petition filed by Sri Bathu Ananda Rao S/o. Suranna and 3 others R/o Gondulu(V), Addateegala (M), East Godavari District before M(TW), No.54/M(TW) /2013, dated:15.2.2013.
3. Govt. Memo No.2852/CV.2/2013, dated: 20.03.2013.
4. From the District Collector, East Godavari, No. Ref. C5/(M)/1540/97, dated:07.05.2013.
5. Govt. Memo No.2852/CV.2/2013, dated:30.08.2013.
6. Written Arguments dated: 12.09.2013 filed by the Appellants before the Government.

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**ORDER:**

In the reference 1<sup>st</sup> read above, the District Collector, East Godavari has issued orders canceling Scheduled Tribe' Valmiki' Caste Certificates obtained from the then Tahsildar, Eluru by Sri Bathu Ananda Rao, S/o. Suranna and 3 others, R/o Gondulu (V), Addateegala (M), East Godavari District.

2. In the reference 2<sup>nd</sup> read above, Sri Bathu Ananda Rao, S/o. Suranna and 3 others, R/o Gondulu (V), Addateegala (M), East Godavari District, has filed Appeal Petition before the Government against the orders of the District Collector, East Godavari. After examining the said Appeal Petition, Government have admitted the Appeal Petition and called for the parawise remarks and connected records from the District Collector, East Godavari in the reference 3<sup>rd</sup> read above.

3. In the reference 4<sup>th</sup> read above, the District Collector, East Godavari has furnished Parawise remarks and connected records on the Appeal petition filed by Sri Bathu Ananda Rao, S/o. Suranna and 3 others.

4. The said Appeal Petition has been posted for hearing on 12.09.2013. The same has been informed to the Appellants and requested to attend the said date of hearing with all documentary evidences/ certificates in favour of their community claim. In the reference 5<sup>th</sup> read above the Appellants were present and argued the case and explained their community status and filed written arguments before the Appellate Authority in support of their community claim in the reference 6<sup>th</sup> read above.

5. The Government had already set-aside the impugned order of the Joint Collector, East Godavari passed in Ref.No.B2/11227/93, dated: 05.09.1994, in G.O.Ms.No.12, SW(CV.2) Dept., dated: 04.02.2013 as such it became final. Apart from the same, the Appellants Counsel contended seriously that the Joint

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Collector did not cause service copies of the enquiry reports, which are said to be the basis for passing of impugned order. The impugned order also does not disclose service of copy of the enquiry report on the Appellants, which resulted in violation of Principles of Natural Justice. The Joint Collector should have caused service of enquiry report and the other relevant material on the Appellants before the said documents were used against the Appellants whereby the Appellants could have opportunity to deny the same. Fair play of Justice demands that any documents relied on by a party shall be served on the other party to the litigation so as to enable him to either admit or deny the same. In the absence of the same, the affected party would always be entitled to assail the order, which would be the outcome of such decision.

6. Further, Government has examined the records and Proceedings of the Joint Collector, East Godavari District dated. 05.09.1994, grounds and written arguments of the counsel for the Appellants and having considered the arguments and documentary evidence submitted by the Appellants among other things, it is observed that Sri Bathu Ananda Rao, Appellant is B/o. 1. Smt. Bathu Jnanaratnam and 2. Smt. Bathu Kamalabayamma, the community claim of the said persons has been confirmed by the Government in G.O.Ms.No. 12, SW (CV.2) Dept., dated 04.02.2013. Therefore, the Government already took a view that the the Appellants in the above case also preferred Appeal aggrieved by the same order of the Joint Collector and their names are Bathu Jnanaratnam and Bathu Kamalabayamma and by virtue of the said orders, they were already held to be Valmiki (ST) Community and the Appellants in this case are related to them as they both belong to same dynasty i.e., with "Bathu" surname and residents of the same locality. The genealogy chart displays the relationship of the Appellants with various Valmiki Tribe families and evinces the claim of the Appellants as Valmiki (ST) Caste. It is also observed that the enquiries made by the District authorities are inadequate to decide the caste of the Appellants.

7. Government after careful examination of the Appeal Petition and the facts stated supra and in exercise of the powers conferred U/s. 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (Act No.16 of 1993), hereby allow the Appeal Petition filed by Sri Bathu Ananda Rao, S/o. Suranna, Ms.Bathu Indira, D/o Bathu Ananda Rao, Sri Bathu Sravan Kumar, S/o Bathu Ananda Rao and Sri Bathu Immanuel, S/o Sravan Kumar (cannot be entertained at this juncture as his name is not mentioned in the proceedings of the Joint Collector, East Godavari District), R/o Gondulu (V), Addateegala (M), East Godavari District, and the Proceedings of the Joint Collector, East Godavari District issued in Ref. No. B2/11227/93, dated:05.09.1994 is hereby set aside, by holding that the claim of Sri Bathu Ananda Rao, S/o. Suranna and 3 others that they belong to ST Valmiki Caste.

8. The District Collector, East Godavari shall take necessary action in the matter.

9. The records (File bearing No. Ref. B2/11227/93, dated 05.09.1994 containing pages 01-204 CF) received from District Collector, East Godavari District, through 4<sup>th</sup> read above, are returned herewith in original to District Collector, East Godavari and he is requested to acknowledge the receipt of the same, immediately.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**Dr.A.VIDYA SAGAR**  
**PRINCIPAL SECRETARY TO GOVERNMENT(TW)**

To

The District Collector, East Godavri (we) (By RPAD)  
(with original records).

Sri Bathu Ananda Rao S/o. Suranna and 3 others,  
R/o Gondulu(V), Addateegala (M), East Godavari District.

**Copy to:**

The Commissioner Of Tribal Welfare, AP, Hyderabad/ the Director,  
TCR& TI, AP, Hyderabad.

P.S. to Minister (TW)

P.S. to Principal Secretary (TW)

SF/SC.

**// Forwarded :: By Order //**

**SECTION OFFICER**